

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
August 11, 2011**

The Lake County Board of Adjustment met on August 11, 2011 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

Board Members Present:

Donald Schreiner, Chairman
Mary Link Bennett, Vice Chairperson
Marie Wuenschel
Robert Levens
Christopher Cheshire
Bob Peraza

Board Members Absent:

Lloyd M. Atkins, Jr.

Staff Present:

Brian T. Sheahan, AICP, Planning Director, Planning & Community Design Division
Anita Greiner, Chief Planner, Planning & Community Design Division
Donald P. Simmons, Planner, Planning & Community Design Division
Aziza Bryson, Public Hearing Coordinator, Planning & Community Design Division
Erin Hartigan, Assistant County Attorney

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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Minutes

MOTION by Mary Link Bennett, SECONDED by Robert Levens to APPROVE the July 14, 2011 Board of Adjustment Public Hearing minutes, as submitted.

FOR: Wuenschel, Bennett, Schreiner, Levens, Cheshire, Peraza

ABSENT: Atkins

AGAINST: None

MOTION CARRIED: 6-0

Opening Remarks

Anita Greiner, Chief Planner, stated that there were no changes to the agenda.

Regular Agenda

CASE NO.: BOA #7-11-2 **AGENDA NO.:** 1

OWNERS: Norman and Janet Kerns

Paul Simmons presented the case. Showing an aerial of the property, he explained that the owners are requesting a variance to allow an existing single-family dwelling unit, which is narrower than 23 feet 4 inches wide with a roof pitch of less than four to one, to remain as an accessory dwelling unit. After a review by staff of the required findings as outlined in Chapter XIV of the Lake County Land Development Regulations, as amended, staff recommended denial of the requested variance.

Janet Kerns, the Owner, stated several reasons for requesting the variance. First, Mrs. Kerns informed the Board that Mr. Jim Tucker, current resident, has lived on the property for over 16 years and can not afford to move. She stated that they do not want to displace Mr. Tucker. Next, she explained that Mr. Kerns has several medical conditions and listed some of the medical issues that Mr. Kerns is currently dealing with. Lastly, she stated that they would like to build while the impact fees are suspended.

Norman Kerns, the Owner, reiterated that they do not want to displace Mr. Tucker unless that property is needed in the future for a caregiver. He also mentioned that they can disguise the property so that it will have the appearance of a double-wide mobile home from the street.

Chairman Schreiner stated that the Board is considering the minimum width and the minimum roof pitch according to the Land Development Regulations (LDRs); they are not taking into consideration the appearance of the property or any landscaping.

Robert Levens, Board member, asked Mr. and Mrs. Kerns what has been shown in regards to having a hardship. Mr. Kerns spoke about his current medical problems.

Christopher Cheshire, Board member, asked Mr. and Mrs. Kerns if they have any documentation in reference to Mr. Jim Tucker. Janet Kerns responded that they did not have any documentation.

Mary Link Bennett, Board member, asked about the current taxes. Erin Hartigan, Assistant County Attorney, stated that taxes would not be considered under a variance request.

Chairman Schreiner reminded the Board to focus on the two inconsistencies in regards to the variance and stated that if a member was to vote for approval, they must be prepared to answer why the intent of the code was not violated, why there was a hardship, or how the principles of fairness were violated.

MOTION by Robert Levens, SECONDED by Christopher Cheshire to DENY variance request BOA #7-11-2; the request to allow an existing single-family dwelling unit, which is narrower than 23 feet 4 inches wide with a roof pitch of less than four to one, to remain as an accessory dwelling unit.

FOR: Levens, Cheshire, Wuenschel, Schreiner, Peraza

ABSENT: Atkins

AGAINST: Bennett

MOTION CARRIED: 5-1

Other Business

Ms. Greiner informed the members about new information in regards to the 2030 Comprehensive Plan. She stated that once everything has been reviewed, and if there are no appeals to the amendments, the 2030 Comprehensive Plan should become effective around September 22, 2011.

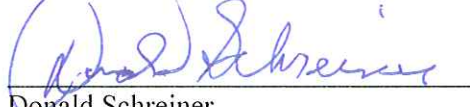
Ms. Greiner also spent some time showing the members the new system that will be used when staff is displaying the legal advertisement, maps, or other important documents, as they present their variance cases.

Adjournment

There being no further business, the meeting was adjourned at 1:27 p.m.

Respectfully submitted,


Aziza Bryson
Public Hearing Coordinator


Donald Schreiner
Chairman